The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner

July 19, 2004

Mr. Ely Quintal
14 Lower Meadow Road
Grafton, New Hampshire 03240

CERTIFIED MAIL (7099 3400 0003 0688 1969
RETURN RECEIPT REQUESTED
NOTICE OF POST VIOLATION

RE: Non-Conforming Open Burning

Dear Mr. Quintal:

On March 30, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified that an open burning incident had occurred at property owned by you located at 14 Lower Meadow Road, Grafton, NH (the "Property"). It was reported that non-conforming material had been burned.

On April 12, 2004, DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, RSA 125-C. During the inspection, DES personnel met and spoke with you regarding the incident. You informed the DES inspector that you had burned some plastic coated wire in a 55-gallon drum, and that the drum and the copper wire had been transported to a recycling center. While on the Property, the DES inspector observed and photographed a burn pile that contained a charred piece of countertop and a charred pillow sheet cover. This pile also contained a large quantity of unburned material including plywood, painted wood; pressure treated lumber, particleboard, fabric pads and brush. A second small burn pile nearby contained some charred insulation. The DES inspector advised you that all non-conforming material must be removed from the pile prior to burning the remaining brush. The DES inspector reviewed the rules and regulations governing open burning with you. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent the future violations. The specific violations are as follows:

- Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05(d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.

- Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings, and tree cuttings that are five inches in diameter or less.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-1370 • Fax: (603) 271-1381 • TDD Access: Relay NH 1-800-735-2964

- Env-A 1001.03(k) defines "untreated wood" as any timber, board, or sawn dimensional lumber, which has not been treated, coated, or preserved.

- Env-A 1001.03(h) defines a "salvaging or reclaiming operation" as any activity by which a used material is processed for reuse.

- Env-A 1001.08(b) states that no salvaging or reclaiming operation shall burn anything on-site in the ambient air.

Since the burning of non-conforming materials has ceased, DES believes that no further actions is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES web site at *http://www.des.state.nh.us/ard/ardulres/htm,* or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

COPY

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1001, *Open Burning*

cc: G. Hamel, DES Legal Unit
R. Kurowski, EPA Region 1
C. Williams, Grafton Fire Chief
F. Nuefell, Grafton Board of Selectmen Chairman
P. Sprague, NHDES-WMD
AFS #3300997777